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VERIFICATION IN ALL ITS ASPECTS, INCLUDING THE ROLE OF THE UNITED NATIONS IN THE FIELD OF VERIFICATION

Report of the Secretary-General

I. INTRODUCTION

1. In its resolution 50/61 of 12 December 1995, the General Assembly requested the Secretary-General to report to it at its fifty-second session on views received from Member States and on actions taken by them and by the Secretariat with respect to the recommendations contained in the expert study on verification in all its aspects, including the role of the United Nations in the field of verification (A/50/377 and Corr.1, annex). The present report is submitted pursuant to that request.

II. DEVELOPMENTS

2. The subject of verification and compliance has remained a paramount concern of Member States and it is an issue on which much has been accomplished in the past two years, since the completion of the report on verification in all its aspects, including the role of the United Nations in the field of verification. Attention has focused on two new bodies dedicated to implementing the verification provisions of two important new treaties, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction and the Comprehensive Nuclear Test-Ban Treaty. With the entry into force of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction on 29 April 1997, the Organization for the Prohibition of Chemical Weapons (OPCW), established by the Treaty, became responsible for actually implementing the complex verification mechanism provided for in that treaty. In

* A/52/150 and Corr.1.

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its resolution 51/230 of 3 June 1997, the General Assembly invited the Secretary-General to conclude with the Director-General of OPCW an agreement to regulate the relationship between their two organizations. The Preparatory Commission for the future Comprehensive Nuclear Test-Ban Treaty Organization, established by the States signatories in November 1996, embarked early in 1992 on its preparations to ensure the operationalization of the verification regime of the Comprehensive Nuclear Test-Ban Treaty upon its entry into force.

3. The international community is also taking steps to strengthen the verification provisions of existing agreements. The parties to the Biological Weapons Convention are presently negotiating a verification protocol to that instrument. In May 1997, the International Atomic Energy Agency (IAEA) adopted a protocol to its safeguards agreements that will enhance its capability to detect clandestine programmes.

4. At the operational level, the United Nations Special Commission has continued its tasks of verifying the destruction of Iraq's proscribed weapons and capabilities and of operating a system of ongoing monitoring of its compliance with its obligation not to acquire such weapons or capabilities in the future (see S/1997/301, annex).

5. Verification remains a very complex issue, one on which thinking is evolving. Some of the recommendations in the expert study on verification, in particular those under the heading "Role of the United Nations in neutral third-party verification", are closely related to questions pertaining to preventive diplomacy and peacemaking, sanctions, post-conflict peace-building, and coordination - the four areas of ongoing discussion in the Informal Open-ended Working Group on An Agenda for Peace. Moreover, the United Nations reform, including in the area of disarmament and arms regulation, is under way. It would, therefore, seem appropriate to await the emergency of a common understanding of the above issues before addressing the substantive matters contained in the expert study and their implications for the United Nations.

6. Pursuant to resolution 50/61, two Member States submitted their views on the study. The texts of those submissions are reproduced in section III below.

III. VIEWS RECEIVED FROM MEMBER STATES

CANADA

[Original: English]

1. The following refers to United Nations resolution 50/61, entitled "Verification in all its aspects, including the role of the United Nations in the field of verification". This resolution seeks the views of Member States on the report of the Secretary-General prepared on this subject with the assistance of a Group of Qualified Governmental Experts (A/50/377 and Corr.1) and on actions taken by them with respect to the recommendations in this report.

2. In the view of the Government of Canada, the 1995 verification report continues to represent an important guide for the future, identifying challenges

that must be tackled. For this reason, Canada took the step of reprinting and distributing the report as a salute to the United Nations on the anniversary of its first half century of distinguished service.

3. The 1995 report provides a unique, comprehensive and thorough review of verification experience and related international developments up to the spring of 1995. Based on that review, it developed a number of practical lessons and identified ideas for additional verification principles and guidelines, with particular attention on the possible role of the United Nations in this field. In the two years since the conclusion of the report, additional experience has been acquired and other developments have occurred that are relevant to the findings of the Group of Governmental Experts. Canada has undertaken a comprehensive review of this relevant experience and other developments to assist in preparing this response. The following points provide a synopsis of the findings of this review:

(a) International Atomic Energy Agency (IAEA) safeguards have been strengthened, including through the adoption of a Model Protocol to the Agency's existing bilateral safeguards agreements. Through the provision of greater information by each State and greater access to locations in each country, the Agency will be able to obtain credible assurances that there are no undeclared nuclear activities and, as a result, the intensity of the Agency's safeguards activities in a State should not continue to be based solely on the size of the State's peaceful nuclear programme;

(b) IAEA is currently exploring with the Russian Federation and the United States of America technical, legal and financial arrangements for safeguarding fissile materials released from military programmes. New verification approaches and arrangements may be required for this safeguards task;

(c) The Comprehensive Nuclear Test-Ban Treaty has been signed and a Preparatory Commission has commenced activities. The Treaty includes a package of verification methodologies and will rely on an international body - the Comprehensive Nuclear Test-Ban Treaty Organization - to conduct verification activities. While the use of information from national technical means is permitted for verification, overhead imagery is not an explicit methodology incorporated into the international monitoring system. The costs associated with implementing the Treaty's verification provisions, both at the international and national levels, will be significant;

(d) New African and South-East Asian nuclear-weapon-free zone treaties have been concluded. These treaties rely heavily on IAEA safeguards for verification, but also incorporate additional regional processes;

(e) There has been agreement between the Russian Federation and the United States of America to pursue a bilateral START III agreement once START II enters into force. The progressive movement from exclusive reliance on remote monitoring by national technical means towards more cooperative and intrusive methods, including on-site inspections, is a noteworthy trend that is likely to continue with START III. Moreover, the increasingly important role played by general transparency in facilitating verification of these agreements should be noted;

(f) The Chemical Weapons Convention came into force on 29 April 1997. While the Preparatory Commission had four years to address the procedures for implementation, the complexity of this preparatory work and the considerable difficulty that States parties have had in meeting the agreed declaration deadlines underline the finding of the 1995 United Nations report concerning the importance of providing an adequate start-up process for a multilateral verification regime of this nature. As is true for the Comprehensive Nuclear Test-Ban Treaty, the costs of verification - both at the international and national levels - are significant. By undertaking the formal verification tasks on behalf of the States parties, both the Organization for the Prohibition of Chemical Weapons and the Comprehensive Nuclear Test-Ban Treaty Organization provide greater efficiency at less cost than multiple direct State-to-State verification arrangements. However, careful planning is required to streamline and allow for optimal efficiencies - such as ensuring the maximum benefits from employing advanced data management technologies. Another point emphasized by Canada's Chemical Weapons Convention implementers is the need, when developing a new verification system, to maximize the exchange of information with other verification implementers;

(g) There has been progress in developing a legally binding protocol to the Biological and Toxin Weapons Convention. The direction of these negotiations appears to be towards a package of verification measures, a concept that is prevalent throughout the 1995 United Nations report. Another feature of these negotiations that echoes the 1995 report's findings is the need to involve the expert community early and persistently in the negotiations. The voluntary provision of information (including national intelligence information and imagery), by any State party, with regard to a non-compliance concern is likely to be an important area of consideration;

(h) The work by the United Nations Special Commission and IAEA in Iraq, including the implementation of an ongoing monitoring and verification system and an export/import monitoring mechanism, continues to constitute a unique "verification laboratory" for the operation of technical measures as described in the 1995 United Nations report. This practical "hands-on" verification experience, both in terms of implementing specific methodologies and in integrating the information generated from these methodologies into a meaningful picture, is a special resource for both the United Nations and for those charged with verification in other contexts. Efforts should be made to ensure that this expertise is shared with other verification organizations and that it is not lost to the United Nations;

(i) There has been agreement to adapt the Treaty on Conventional Armed Forces in Europe to the new conditions in Europe, including enhancement of the Treaty's verification and information exchange provisions. The ongoing verification experience of the Treaty continues to provide "striking evidence of the beneficial effects of cooperation among participating countries", as stated in the 1995 United Nations report. It remains a quintessential example of the power that such benefits have to drive the development of ad hoc cooperative processes as identified by the 1995 report;

(j) In November 1993, the predecessor to the Organization for Security and Cooperation in Europe (OSCE) adopted a document entitled "Stabilizing Measures

for Localized Crisis Situations", which contained many concepts relating to verification that were later incorporated into the Dayton Accords and its subsidiary agreements of 1995-1996 and that have relevance for other regions. In December 1996, other documents were adopted by OSCE that outline some specific goals and methods for further development of arms control in the OSCE context, including improving existing verification provisions and developing new ones as necessary. In general, the information exchange and verification procedures of the Vienna Document are operating well, although there have been some general difficulties of implementation. Not all participating States have equal capacity to meet their obligations, nor do all assign the same priority to doing so. Consequently, assistance in funds and in kind may be essential. Normal verification processes, including regular compliance consultations, help highlight deficiencies, provide explanations of anomalies and, in so doing, avoid suspicions and build confidence;

(k) A significant subregional arms control undertaking has been implemented in the form of the Dayton Accords and its subsidiary agreements, which draw upon the experience of the Treaty on Conventional Armed Forces in Europe and OSCE Vienna Document. OSCE, the North Atlantic Treaty Organization (NATO) and their members have provided an indispensable neutral third-party verification component to the implementation of these agreements, reinforcing the important role that the 1995 United Nations report saw for neutral third parties in facilitating verification, in particular when the level of hostility among the parties is high. This case also demonstrates how verification experience in one context can find useful application in another;

(l) Trial overflights continue under the Open Skies Treaty, including one by the Russian Federation over Canada and the United States in August 1997, as well as a related Hungarian/Romanian flight over Bosnia and Herzegovina conducted as a voluntary confidence-building measure under the Dayton Accords. Although these tests help validate the open skies concept, the Treaty itself still requires ratification by the Russian Federation and Ukraine before it can come into force;

(m) Sino-Russian border confidence-building agreements have been concluded, which apparently draw upon OSCE and the Treaty on Conventional Armed Forces in Europe experience;

(n) An amended Protocol II to the Inhumane Weapons Convention dealing with landmines was adopted in May 1996. It provides for consultation and cooperation, bilaterally, through the United Nations Secretary-General or other appropriate international procedures to resolve problems of interpretation and application. There is also a provision for annual conferences that will, among other things, review the operation and status of the Protocol;

(o) A significant research project by the United Nations Institute for Disarmament Research (UNIDIR) has been completed, whose findings underline the importance of the disarmament dimension for establishing viable security in the context of intra-state conflict resolution. In addition, the need for a sound information gathering, assessment and distribution system in order for peace operations to successfully manage disarmament during peace operations is also

emphasized[1], echoing the 1995 United Nations verification report's suggestions for improvements in the ability of peace operations to verify disarmament obligations of the parties;

(p) One development that is receiving increasing attention is the possible deployment of weapons for use in outer space. Any new arms control undertakings to address such concerns about the weaponization of outer space may also require consideration of verification measures, possibly including ground-based and space-based remote sensing, as well as some provision for launch payload and launch site inspections.

4. Experience gained and other developments since the submission of the 1995 report underscores the fact that effective verification remains an essential prerequisite for successful implementation of non-proliferation, arms control and disarmament obligations. This experience reinforces our belief that the conclusions and recommendations of the 1995 report continue to be highly relevant and useful both to practitioners generally and to the United Nations specifically. It also reveals several salient issues that are likely to remain important in the future for verification in all its aspects and, in particular, the role of the United Nations therein. Among these observations are the following:

(a) It is evident that the costs of effective verification for arms control agreements are substantial. However, verification should be seen as an investment that repays itself in greater confidence and enhanced security. Arms control measures continue to provide a valuable tool in a broader security strategy, provided that compliance can be seen to be occurring.

In this environment, the search for more cost-effective approaches to verification will become increasingly important. We are receptive to the view that verification costs can be substantially reduced by pooling resources and developing an international-level agency to undertake a number of verification-related tasks, as pointed out in the 1995 report. Further movement in this direction might entail significant savings with little if any decline in effectiveness, and this question deserves continued attention.

To achieve more savings, consideration might be given to less reliance on labour-intensive verification through: (i) a "progressive tiered approach" to verification; and (ii) the use of advanced technology. The former idea developed by some analysts involves all States parties being subject initially to the same level of verification; after time, however, as the international verification organization becomes confident in its knowledge of the relevant facilities and activities within a State party, it might be possible to reduce the number of regular inspections and begin relying on more infrequent but more intrusive inspections, provided the host State party accepted. Underlying this approach is increased use by the international verification agency of a greater range of information on relevant State party activities.

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[1] Managing Arms in Peace Processes: The Issues, UNIDIR/96/4, p. 214.

Greater reliance on advanced technology by international verification organizations may also provide significant cost savings as well as improve effectiveness in some cases. Among the most promising avenues is the use of commercial satellite imagery. A number of enhanced systems will soon be in operation. They have the advantage, unlike national technical means, of being available to any State party and to international verification agencies alike.

The human element, in particular on-site inspections and human analysis of data, can never be entirely eliminated from the verification process. New approaches and technologies may be able to make the verification process more efficient and on-site inspectors more effective, but on-site inspections will continue to be an essential component of verification for the foreseeable future;

(b) Certain contexts, particularly in post-conflict arms control situations where hostility among parties remains high, clearly favour a significant role in verification by trusted third parties. Such neutral third-party verification is not necessarily an alternative to direct verification by the parties themselves; rather, both approaches should be seen as complementary. Their productive interface is an area that may well increase in importance as an important tool for the international community in addressing post-conflict situations;

(c) In the post-cold war environment, increasing attention is being paid to the serious consequences of internal (civil) conflicts for human security, as well as a growing recognition of the risks such conflicts create for international peace and security. An example of an arms control measure concerned primarily with human security is the effort to develop a treaty to ban comprehensively the use, production, transfer and stockpiling of anti-personnel landmines. Some analysts are already pondering the relevance of this example for dealing with other weapons, such as small arms and light weapons, that may have particular relevance in post-conflict arms control contexts, in which the United Nations may be particularly involved. New approaches, standards and methods for verification may be required in the context of these human security-oriented arms control measures;

(d) One particularly innovative aspect of the 1995 United Nations verification report was its consideration of embargoes on arms shipments as a form of arms control measure and its call for the development of more systematized procedures for monitoring and enforcement of such embargoes. In a recent report (A/51/950), the Secretary-General reiterates the need to consider how to make economic sanctions a more effective tool in achieving the goal of modifying the behaviour of those targeted, while limiting the collateral damages. Similarly, to the extent that the international community can improve the effectiveness of arms embargoes, the more capable it will be of constraining egregious behaviour short of the use of armed force;

(e) The United Nations has developed a wealth of operational verification expertise primarily on an ad hoc basis, in particular that relating to a variety of types of peace operations, including the United Nations Special Commission, but also relating to fact-finding missions. It is likely that the Organization will be called upon in the future to undertake similar verification operations.

As suggested in the 1995 report, this capability should be made more permanent and better coordinated, a requirement that should be considered during any restructuring of the Secretariat's disarmament organization;

(f) In the past, the United Nations has played an important role in helping to develop international norms concerning verification through its various General Assembly resolutions and the Disarmament Commission 16 Verification Principles. It should continue to remain engaged on these matters, as circumstances warrant;

(g) The 1995 report suggested that the United Nations can also provide common services and play a facilitative/coordinating role. Given its universal membership, the United Nations can work generically at these tasks across treaty regimes. Among the functions suggested are support for verification research, training, and the exchange of views/communication between treaty regimes and between Member States.

As a modest contribution to assist the United Nations in the area of verification common services, Canada has for the past six years made available a survey of recent verification literature with the aim of facilitating policy relevant research and negotiations. Canada is actively investigating the possibility of establishing an on-line verification literature database that could provide a common resource for the United Nations and its Member States along the lines recommended by the 1995 report.

Another recommendation of the 1995 report was the initiation of an annual series of symposia with the aim of promoting the exchange of verification knowledge and experience. As a step towards implementing the report's recommendation, Canada intends in the future to invite officials of the United Nations and other verification organizations to participate in its series of Ottawa verification symposia - as they have been invited to do and have done on occasions in the past;

(h) With the aim of strengthening the United Nations ability to monitor international peace and security and, ultimately, to act more expeditiously, there have been suggestions for improving the capacity of the United Nations to collect and analyse information, including verification-relevant data. The use of overhead imagery might form one dimension of such a capability. Canada's proposals submitted to the United Nations in 1995 regarding a rapid reaction capability also incorporate similar notions. Canada supports such strengthening of the United Nations ability to collect and analyse, in a timely fashion, information relevant to its peace and security functions. Such a capability could, among other things, be used to address arms control verification questions.

5. In April 1986, Canada submitted a report to the United Nations in response to the first General Assembly resolution on the subject of verification.[2] While written in a very different international climate, many of the ideas in that report of 12 years ago have stood the test of time well and continue to represent Canada's approach to verification. One of the key themes contained in that response was the need to pool resources when undertaking verification, including a possible role for the United Nations, in order to maximize effectiveness and save costs.

6. In addition, the following words of the covering letter to the 1986 Canadian report continue to ring true today:[3]

> "[Verification] should help meet the need to institutionalize in the context of relations among States the kind of accepted rules, procedures and expectations as those that govern the conduct of relations among individuals in all civilized societies. Such rules and procedures do not presume bad faith or malevolent intent on the part of others, but they allow for such a possibility and provide a framework in which unjustified accusations could be authoritatively rebutted, misunderstandings clarified and resolved, and non-compliance objectively established.
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> "In this connection, it should be emphasized that the verification process does not in itself address the issue of what can or should be done in the event of misconduct. No judicial function is involved. The political management of the consequences of demonstrated non-compliance is perhaps the ultimate, and most difficult and sensitive, problem in the whole arms control and disarmament process. The role of verification in this context is limited to providing, in the most comprehensive and objective way, data relevant to such behaviour. It thus can be valuable in limiting the scope for unjustified allegations and in providing a basis for reasoned and factually based decisions by the international community in instances where non-compliance is demonstrated."

Verification is therefore a key ingredient, in Canada's view, in broader efforts by the international community to institutionalize an international system that is more strongly based on the rule of law rather than the rule of force.

7. Speculations about the end of arms control after the cold war are premature, as are similar views regarding a decline in the need to verify arms control undertakings. Aspects of the arms control agenda have certainly changed, however, with issues such as "micro-disarmament" that were overshadowed during the cold war years taking on a greater salience. Arms control measures continue to be an important tool available to the international community in

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[2] "Verification in all its aspects: a comprehensive report on arms control and disarmament verification pursuant to UNGA resolution 40/152 O", Ottawa, Department of Foreign Affairs, April 1986. See also the covering letter, which summarizes the report, in the report of the Secretary-General of 11 July 1986 (A/41/422).

[3] Ibid., sect. II, paras. 6 and 7 of the Canadian submission.

maintaining international peace and security. Such measures can only be effective to the extent that we are confident that they are observed; it is in this regard that verification plays its vital role.

8. Canada continues to believe that the United Nations is a key player on international peace and security issues and that, as such, the Organization could assume a more important role in certain carefully defined dimensions of the field of arms control verification. The innovative 1995 United Nations report on verification points the way for strengthening this role and Canada remains committed to its findings and recommendations.

ECUADOR

[Original: Spanish]

[30 May 1997]

1. Ecuador welcomes the work of the Group of Governmental Experts on Verification and agrees with all the observations and suggestions contained in its report (A/50/377 and Corr.1, annex).

2. It should be noted, in that regard, that the political will of States is vital to the success of any verification process, especially the verification of disarmament agreements. Moreover, it is important to highlight the need to eliminate the threats to the maintenance of world peace and security through the methods for the peaceful settlement of disputes provided for in the Charter of the United Nations, including confidence-building measures at the bilateral (in the case of existing conflicts between States), regional and global levels.

3. In this regard, Ecuador believes that transparency is a vital element, inasmuch as it facilitates the collection of the information that is essential to the verification process. Furthermore, information can be cross-checked in order to determine the truthfulness of a State's reports on its acquisition of armaments, its level of military forces and its compliance with any international disarmament agreements it may have concluded. For that reason, Ecuador considers it fundamental that transparency in the disarmament process be promoted through operational reports submitted not only by those who purchase and use arms, but also by arms producers and exporters.

4. Ecuador agrees with the suggestion contained in the report that information should be provided not only by States but also by other agents of civil society who may be involved in the sale of arms. One example where civil society actively participates in the provision and processing of information for verification is the process established under the Chemical Weapons Convention, an arrangement that should be considered when establishing disarmament verification mechanisms.

5. As far as international bilateral, regional and/or global disarmament treaties are concerned, Ecuador deems it important to stress that such treaties must necessarily provide for verification mechanisms, otherwise they will remain a dead letter.

6. The possibility of establishing complaints mechanisms should be considered. However, since such mechanisms could lead to abuses, provision should be made for holding the plaintiffs liable where the complaints are determined to be unfounded.

7. Concerning the possibility of establishing an international verification system, Ecuador deems it feasible to initiate, in the current international political environment, a process of negotiations, perhaps within the framework of the Conference on Disarmament, on a multilateral agreement that incorporates the verification guidelines and principles adopted in 1978 and 1988, and to develop them further in line with current realities in order to provide Member States with an international treaty complementary to the disarmament agreements, which do not provide for verification mechanisms. The body responsible for implementing such verification mechanisms would be the United Nations, through the Centre for Disarmament Affairs, which could keep a roster of experts in the various related fields and also be responsible for compiling and processing data.

8. Ecuador deems it important to strengthen the United Nations Register of Conventional Arms and the instrument for standardized international reporting of military expenditures, since they are appropriate mechanisms for arms limitation, reduction and elimination and for making cutbacks in military forces. One way of enhancing the reliability of such information is precisely by cross-checking it to verify the accuracy of the reports.

9. Ecuador believes that the United Nations work in peacekeeping and preventive diplomacy, including early warning activities, is crucial. Although during the last several years the fact-finding missions undertaken by the Secretary-General have immediately preceded peace operations after a conflict has been resolved as part of efforts towards reconstruction and the consolidation of peaceful conditions, the Organization has not yet intervened before the outbreak of conflicts. For that reason, Ecuador believes it is important for the Security Council and the Secretary-General to develop mechanisms that would make early warning more effective through verification mechanisms designed to detect potentially dangerous situations and promote immediate action.

10. Moreover, Ecuador is of the opinion that the United Nations could play a key role in monitoring compliance with confidence-building measures. In that regard, it is also important to make use of any support that might be provided in such processes by regional bodies, with which the United Nations should closely cooperate.

11. In this regard, note should be taken of the progress achieved by the Organization of American States through the establishment of the Committee on Hemispheric Security, which makes use of the United Nations Register of Conventional Arms and its instrument for standardized international reporting of military expenditures.

12. Finally, Ecuador deems it important for the United Nations to promote seminars, not only at its different headquarters but also in the different geographical regions corresponding to the regional groups recognized by the

United Nations, with the aim of drawing attention to the importance of disarmament and the implementation of verification measures, an action that would be of great benefit to the national political and technical groups involved in this field.